Ia. 583; *cf. Castleberry* v. *Atlanta* (1884) 74 Ga. 164, or other objects of general public benfit. *Savage* v. *Salem* (1893) 23 Ore. 281; *cf. People* v. *Carpenter* (1849) 1 Mich. 273. The result of these cases seems to be that the abutter may, outside the traveled path, cause temporary obstructions only when reasonably necessary and permanent obstructions only if clearly conducive to the public benefit. Beyond these points obstructions are unlawful, and one suffering injury as a proximate result of their existence, *Brayton* v. *Fall River, supra,* should recover against the abutter without regard to the latter's negligence, *Matthews* v. *Railway Co.* (1887) 26 Mo. App. 75. The loose application of principles governing the liability of highway authorities seems, therefore, to have led to an erroneous conclusion in the principal case.

FORCE OR FEAR IN ROBBERY.—Although at one time in the history of the common law it would seem that to constitute the crime of robbery it was necessary to have both a violent assault and a putting in fear, 3 Co. Inst. 68, this idea did not continue in the law, 1 Hale P. C. 534. That actual fear was not necessary is illustrated by *Norden's Case* (1745) Foster 129, where the prosecutor had set out with the express purpose of apprehending the robber and expected his money to be taken from him at the point of a pistol, or by *Rex* v. *Lapier* (1784) 2 East P. C. 557, where an earring was suddenly snatched from the ear of a lady. On the other hand, the class of cases where fear alone was considered sufficient was limited in number. The law would recognize it as grounding the charge of robbery only where the prosecutor was in fear of grievous bodily harm or its equivalent, the theory being that such fear was sufficient to take the place of actual force. Thus, it was held robbery where a woman gave money to prevent threatened rape, *Rex* v. *Blackham* (1787) 2 East P. C. 711, where money was given upon a threat to burn a house with the aid of a mob, *Rex* v. *Astley* (1792) 2 East P. C. 729, or where money was extorted by threatening to drag the prosecutor before a magistrate and accuse him of attempting an unnatural crime. *Rex* v. *Jones* (1776) 1 Leach 164; *Rex* v. *Donnally* (1779) 1 Leach 193. Though neither of the cases last cited necessarily involved personal violence, in both of them the fear of personal violence was considered material, as in the first case the defendant had threatened to raise a mob and in the second the court stated, "it was a threat of personal violence for the prosecutor had everything to fear in being dragged through the streets as a culprit charged with an unnatural crime."

Beyond the point of recognizing fear of bodily injury, the courts have not uniformly gone. It is true that in *Rex* v. *Hickman* (1783) 1 Leach 310, where a threat similar to that in *Rex* v. *Donnally, supra,* was made, the fear of violence did not form the basis of the opinion. But a mere threat to arrest for an ordinary crime was not generally considered as inducing a sufficient fear, since "the only pretense of fear arose from the idea of impending imprisonment which is a species of fear that never was or can be, in contemplation of law, equal to that which the mind must feel from an apprehension of loss of life, etc." *Rex* v. *Newland* (1796) 2 Leach 833.

By the Statute I Vict. c. 87, § 4, the extortion of property by threatening to accuse of an infamous crime was made a separate offense, see *Regina* v. *Henry* (1840) 2 Moo. C. C. 160, and by the

Larceny Act, 24 and 25 Vict. c. 96 § 40, the distinction between larceny and robbery from the person was abolished. But in the United States the common law definition of robbery which obtained in England prior to the statutes has generally prevailed, and in states where codes have been adopted they are usually interpreted in this particular as expressive of the common law. *State* v. *Brewer* (1881) 53 La. 735; *McClosky* v. *People* (N. Y. 1872) 5 Park. C. C. 299; *State* v. *Clancy* (1898) 20 Mont. 284. There has been, however, a noticeable tendency toward a looser interpretation of the common law requirements, *cf. Williams* v. *State* (1897) 51 Neb. 711; *Bussey* v. *State* (1882) 71 Ga. 100, influenced no doubt by the decreasing severity of punishment. The recent case of *State* v. *Parsons* (Wash. 1906) 87 Pac. 349, well illustrates this development. In this case the defendant, pretending to be a policeman, took hold of the prosecutor, who was intoxicated, and told him that he must go to jail and that it was necessary to search him before going. They thereupon went through his pockets and took some money from him. On its facts the decision may not be much more extreme than in *Williams* v. *State, supra,* where the pretended police officer took the prosecutor by the shoulder and shook him, or that in *Bussey* v. *State, supra,* where the prosecutor was shoved against a wall and threatened with jail. But in view of the court's charge that "it is enough that the person assaulted was intimidated and yielded up his property because of the force used and threatened be the same ever so slight," the case seems to represent the limit of interpretation.